

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**RSA-1318-1994 (O&M)
Date of decision: 19.01.2023**

Smt. Pritam Kaur and others

....Appellants

Vs.

Smt. Swinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None.

ARUN MONGA, J. (ORAL)

Appellant-plaintiffs have filed the present regular second appeal assailing the judgment and decree dated 18.08.1993 passed by learned Additional District Judge, Amritsar whereby appeal filed by the defendant-respondents against the judgment and decree dated 22.11.1991 passed by learned Sub Judge Ist Class, Tarn Taran was partly allowed.

2. Suit for declaration to the effect that the plaintiffs are co-sharers in joint possession of ½ share in respect of land measuring 5 Kanals 13 Marlas bearing khasra No.31 (5-13) was filed by the plaintiffs/appellants herein.

3. Appeal was admitted on 08.09.1994.

4. When called out after so many years, none has put in appearance on behalf of the appellants. In this context, it is important to note that a specific notice has been issued in the cause list, as well as, on the notice Board of the Court room, stating ***“In the category of “To Be Taken UP” Regular matters shown in the daily cause list, if learned counsel still do not appear, it would be an indicator that they are not interested in pursuing the same and the cases shall then be decided regardless of their presence. Learned counsels are, therefore, requested to watch the regular***

cause list of the Court.” Notwithstanding none appears. Court is left with no choice but to dismiss the appeal.

5. Even otherwise by sheer effluxion of time and pendency of the appeal for more than 28 years before this Court, either it has been rendered infructuous or else the appellants seem to have lost interest in pursuing the same.

6. Be that as it may, appeal is dismissed with liberty to the appellants to file an appropriate application in case any cause of action still survives.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

19.01.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No